

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3163

Almaz Tessema Lemi,

Petitioner,

v.

John Ashcroft, Attorney General of
the United States,

Respondent.

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Petition for Review of
an Order by the Immigration
and Naturalization Service.

[UNPUBLISHED]

Submitted: August 1, 2003

Filed: August 5, 2003

Before BOWMAN, BYE, and MELLOY, Circuit Judges.

PER CURIAM.

Ethiopian citizen Almaz Tessema Lemi petitions for review of an order of the Board of Immigration Appeals (BIA), which dismissed her appeal of an Immigration Judge's denial of her application for asylum and withholding of removal. For reversal, Lemi argues that the interpreter's incompetence at the hearing denied her due process. She also argues that the BIA erred in finding that she did not show past persecution, and in denying her an opportunity to seek relief under the Convention Against Torture. After careful review of the record, we deny the petition because the BIA's decision was supported by substantial evidence. See Feleke v. INS, 118 F.3d 594, 598 (8th Cir. 1997) (standard of review).

We conclude that even assuming the interpretation error alleged by Lemi and assuming that her testimony was credible and supported a finding of past persecution, the record does not support a well-founded fear of future persecution. See Francois v. INS, 283 F.3d 926, 930 (8th Cir. 2002) (if alien shows past persecution, agency has burden of showing that conditions in applicant's country have changed such that applicant no longer has well-founded fear of future persecution); Perinpanathan v. INS, 310 F.3d 594, 599 n.1 (8th Cir. 2002) (State Department reports are persuasive authority for determining whether asylum-seeker has well-founded fear of future persecution). In addition, we conclude that Lemi's claims for withholding of removal and relief under the Convention against Torture--based upon the same evidence--fail. See 8 C.F.R. § 208.16(c)(2) (2002); Kamalthas v. INS, 251 F.3d 1279, 1281 (9th Cir. 2001) (standard of review).

Accordingly, we deny the petition.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.